

SIFREDO SOLA, and all others
similarly situated,

Plaintiffs,

v.

CLEANNET USA, INC.

Defendant.

Civil Action No.
12-10580-WGY

Plaintiffs received notice this morning, April 2, 2012, that this case has been removed to this Court from the Massachusetts Superior Court. Upon an inquiry regarding electronic notices, Plaintiffs' counsel's assistant learned from the judge's clerk that Judge Young routinely recuses himself from cases in which the law firm of Bingham McCutchen represents one of the parties. This is presumably because Judge Young worked for the predecessor firm, Bingham Dana, in the 1970s. Plaintiffs respectfully request that the Court not recuse himself from this case. Plaintiffs hereby waive any conflict.

Plaintiffs urge that recusal of a federal judge is not to be invoked lightly. See United States v. Snyder, 235 F.3d 42, 45 (1st Cir. 2000) (“judges are not to recuse themselves lightly under § 455(a)”). Indeed, the recusal statute states that “[a]ny

justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C.

§ 455(a). In this circumstance, the Court’s impartiality cannot be reasonably questioned by the fact that more than 30 years ago, he worked for a law firm that is the predecessor to the defendant’s current firm. Likely, the composition of the vast majority of attorneys working at the firm has changed since this Court worked at that firm. And the plaintiffs in this case have waived any conflict.

As the First Circuit has stated, “under § 455(a), a judge has a duty to recuse himself if his impartiality can reasonably be questioned; but otherwise, he has a duty to sit.” *Id.* at 46 (emphasis added).

Plaintiffs therefore respectfully request that the Court refrain from recusing himself from this case.

Respectfully submitted,

SIFREDO SOLA,

and all others similarly situated,
Plaintiffs,

By their attorneys,

/s/ Shannon Liss-Riordan
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Dated: April 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was served on counsel for the defendants via electronic filing on April 2, 2012.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan, Esq.